

NOV 28 2005

JOHN F. CORCORAN, CLERK
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DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

HASSAN SHABAZZ, # 280460,)
& ELTON WILLIAMS, # 260920)
Plaintiffs,) Civil Action No. 7:02cv00499
)
v.) ORDER
)
VIRGINIA DEPARTMENT OF)
CORRECTIONS, et al.,) By: Jackson L. Kiser
Defendants.) Senior U.S. District Judge

In accordance with the Opinion entered this day, it is hereby

ORDERED

that:

- 1) Defendants' motion for summary judgment as to all of Williams' claims stemming from the April 18, 2001, September 14, 2001, and September 20, 2001 incidents, including the allegations of deliberate indifference, cruel and unusual living conditions, excessive force, religious persecution, and the destruction of personal property, is hereby **GRANTED**.
- 2) Defendants R.A Young, S.K. Young, and Correctional Officer McKinney's motion for summary judgment as to Williams' First and Eighth Amendment claims regarding the November 7, 2001 incident shall be and hereby is **GRANTED**;
- 3) Defendants Sgt. Hamilton, Sgt. Collins, Lt. Galliher, and Correctional Officer Ely's motion for summary judgment as to Williams' First Amendment and Eighth Amendment claims regarding the November 7, 2001 incident shall be and hereby is **DENIED**.
- 4) All claims brought against defendant Correctional Officers Kiser, Shoemaker, and Minton shall be and hereby are **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1);
- 5) All claims brought against defendant "Correctional Officer Collens" shall be and hereby are **DISMISSED**;
- 6) As all claims against the following defendants have been dismissed, the clerk is **DIRECTED** to terminate them from this lawsuit: R.A. Young, S.K. Young, Correctional Officer Kiser, Correctional Officer Shoemaker, Correctional Officer McKinney, Correctional Officer Collens, and Correctional Officer Minton.

7) Defendants are hereby **DIRECTED** to file an answer to plaintiff's complaint within twenty (20) days of the entry of this order.

The Clerk of the Court is directed to send certified copies of this Order and accompanying Opinion to the plaintiff and to counsel of record for the defendants.

ENTER: This 28th day of Nov., 2005.



Jackson L. Moore
SENIOR UNITED STATES DISTRICT JUDGE